



PUBLIC NOTICE

US Army
Corps
of Engineers
Baltimore
District

In Reply to Application Number
CENAB-OP-R(WATERGATE HARBOR
COMM/DREDGING)02-61721-20

Comment Period: May 6, 2002 to May 27, 2002

THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC ABOUT THE WORK DESCRIBED BELOW. AT THIS TIME, NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT A PERMIT WILL BE ISSUED.

The Baltimore District has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 and State authorization pursuant to the Tidal Wetlands Act and/or Nontidal Wetlands Protection Act, as described below:

APPLICANT: *Watergate Harbor Committee
c/o Albert Doyon
3700 Thomas Point Rd
Annapolis, MD 21403*

LOCATION: *South River, Anne Arundel County, Maryland*

WORK: The Watergate Harbor Committee proposes to mechanically dredge a main channel that will be approximately 1,889 feet long by 30 feet wide to a depth of -5.0 feet at mean low water (MLW) with the additional spur channels listed below. The approximately 6,756 cubic yards of dredged material from the approximately 56,670 square foot main channel and all dredged material from the spur channels will be deposited at Patuxent Materials Inc., Lothian, Maryland, an approved upland DMP disposal site.

Spur channels: Mr. Albert Doyon proposes to dredge a 50-feet-long by 20-feet-wide spur channel to a depth of -5.0 feet at MLW, resulting in 89 cubic yards of dredged material. Ms. Jeanne Uhl proposes to dredge a 40-feet-long by 20-feet-wide spur channel to a depth of -5.0 feet at MLW, resulting in 75 cubic yards of dredged material. Mr. John A. Russell proposes to dredge a 61.5-feet-long by 20-feet-wide spur channel to a depth of -5.0 feet at MLW, resulting in 114 cubic yards of dredged material. Mr. Marc Greenspring proposes to dredge a 60-feet-long by 20-feet-wide spur channel to a depth of -5.0 feet at MLW, resulting in 118 cubic yards of dredged material. Mr. William E. Turley proposes to dredge a 72.5-feet-long by 15-feet-wide spur channel to a depth of -5.0 feet at MLW, resulting in 101 cubic yards of dredged material. Mr. Robert J. Adams proposes to dredge a 45-feet-long by 18-feet-wide spur channel to a depth of -5.0 feet at MLW, resulting in 64 cubic yards of dredged material. Mr. David Patterson proposes to dredge a 75-feet-long by 18.5-feet-wide spur channel to a depth of -5.0 feet at MLW, resulting in 102 cubic yards of dredged material. Mr. George Benson proposes to dredge a 60-feet-long by 20-feet-wide spur channel to a depth of -5.0 feet at MLW, resulting in 133 cubic yards of dredged material. Permits for these projects would authorize periodic maintenance dredging for 10 years, subject to the prior notification of the District Engineer.

Essential Fish Habitat (EFH) Assessment: The Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA), as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all Federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely affect EFH. The EFH includes a number of species in various life stages. A review of the appropriate literature indicates that this waterway has EFH listed for adult and juvenile Paralichthys dentatus (summer flounder), adult and juvenile Scopthalmus aquosus

(windowpane flounder), adult and juvenile Peprilis tricanthus (Atlantic butterfly), adult and juvenile Pomatomus saltatrix (bluefish), and adult and juvenile Cetopristus striata (black sea bass). These are managed species under the MSFMA. A preliminary assessment indicates that the proposed project may have an adverse effect on EFH based on potential disturbance of species which use the project area as a foraging area and as a nursery area, on a seasonal basis, primarily during summer. The project has the potential to adversely effect the managed species and/or quantity and their prey species. No EFH measures have been developed for these projects. However, it is expected that conservation measures may include time of year restrictions on when the proposed work may be performed. As the evaluation of these applications continues, additional information may become available, which could modify this preliminary determination.

All work is to be completed in accordance with the enclosed plan(s). If you have any questions concerning this matter, please contact Ms. Sybille Vega at (410) 962-6011.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The applicant has certified in this application that the proposed activity complies with and will be conducted in a manner consistent with the Maryland Coastal Zone Program. This certification statement is available for inspection in the District Office; however, public comments relating to consistency must be received by the Coastal Zone Division, Maryland Department of the Environment, 2500 Broening Highway, Baltimore, Maryland, 21224, within the comment period as specified above. It should be noted that CZ Division has a statutory limit of 6 months in which to make its consistency determination.

The applicant must obtain any State or local government permits which may be required.

A preliminary review of this application indicates that the proposed work will not affect listed species or their critical habitat pursuant to Section 7 of the Endangered Species Act as amended. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

Review of the latest published version of the National Register of Historic Places indicates that no registered properties listed as eligible for inclusion therein are located at the site of the proposed work. Currently unknown archeological, scientific, prehistoric, or historical data may be lost or destroyed by the work to be accomplished under the requested permit.

It is requested that you communicate the foregoing information concerning the proposed work to any persons known by you to be interested and not being known to this office, who did not receive a copy of this notice.